

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 24, 2003
)	
John F. Koerner)	DOCKET NO.: 03F-051
Member)	
Board of Occupational Safety and Health)	
2755 Ordway Street, NW, #106)	
Washington, DC 20008)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), John F. Koerner, Member, Board of Occupational Safety and Health, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 7, 2003, August 19, 2003 and September 2, 2003, OCF ordered John F. Koerner (hereinafter respondent), to appear at scheduled hearings on August 18, 2003, August 28, 2003 and September 12, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On September 3, 2003, respondent contacted OCF by telephone to advise of his return from serving in Afganistan. Respondent further advised he would submit an affidavit, military orders, and file online. OCF has not received any of the foregoing from respondent to date.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was a delinquent filer in 2002 for calendar year 2001.
2. Respondent's Notice of Hearing, Statement of Violations and Order of Appearance in 2002 was vacated due to his filing on August 13, 2002, and his status as a first-time filer with OCF.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
4. Respondent contacted OCF on September 3, 2003 to advise of his return from serving in Afghanistan.
5. Respondent asserted he would submit an affidavit, military orders, and file the required Financial Disclosure Statement online.
6. Respondent has failed to submit any of the foregoing to OCF to date.
7. Respondent is currently not in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent has failed to provide a basis for a finding of good cause.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$2,000.00 in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$2,000.00 be hereby imposed in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.